

**Executive Summary – Enforcement Matter – Case No. 47810**  
**Bloomington Independent School District**  
**RN101274140**  
**Docket No. 2013-1909-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Bloomington Junior High - High School, located approximately 150 feet southeast of Farm-to-Market ("FM") Road 616, approximately 2.0 miles southwest of the intersection of FM Road 616 and U.S. Highway 87, Victoria County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 14, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,350

**Amount Deferred for Expedited Settlement:** \$1,870

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$7,480

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 47810**  
**Bloomington Independent School District**  
**RN101274140**  
**Docket No. 2013-1909-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** August 23, 2013

**Date(s) of NOE(s):** September 27, 2013

***Violation Information***

1. Failed to comply with permitted effluent limits for 5-day biochemical oxygen demand, total suspended solids, flow, and total residual chlorine [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014578001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
2. Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the discharge monitoring reports ("DMRs") for the quarterly monitoring period ending June 30, 2012, and the monthly monitoring period ending July 31, 2012, by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0014578001, Monitoring and Reporting Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By December 19, 2013, the Respondent submitted the DMRs for the quarterly monitoring period ending June 30, 2012 and the monthly monitoring period ending July 31, 2012.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly and quarterly DMRs;
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.; and
- c. Within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014578001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

**Executive Summary – Enforcement Matter – Case No. 47810  
Bloomington Independent School District  
RN101274140  
Docket No. 2013-1909-MWD-E**

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jason Fraley, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-2552; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Delores Warnell, Superintendent, Bloomington Independent School  
District, P.O. Box 158, Bloomington, Texas 77951  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	7-Oct-2013	<b>Screening</b>	8-Oct-2013	<b>EPA Due</b>	
	<b>PCW</b>	2-Jan-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Bloomington Independent School District		
<b>Reg. Ent. Ref. No.</b>	RN101274140		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	47810	<b>No. of Violations</b>	2
<b>Docket No.</b>	2013-1909-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jason Fraley
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	70.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$3,850
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Notes: Enhancement for eight months of self-reported effluent violations, one NOV with same/similar violations, and one order without denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$1,028  
Approx. Cost of Compliance: \$10,300

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,350
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$9,350
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,350
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,870
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$7,480
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Screening Date 8-Oct-2013

Docket No. 2013-1909-MWD-E

PCW

Respondent Bloomington Independent School District

Policy Revision 3 (September 2011)

Case ID No. 47810

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101274140

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for eight months of self-reported effluent violations, one NOV with same/similar violations, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 70%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 70%

Screening Date 8-Oct-2013

Docket No. 2013-1909-MWD-E

PCW

Respondent Bloomington Independent School District

Policy Revision 3 (September 2011)

Case ID No. 47810

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101274140

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014578001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on August 23, 2013, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids, chlorine, and flow were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 4

334 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Four quarterly events are recommended for the months of July 2012 through May 2013.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,001

Violation Final Penalty Total \$8,500

This violation Final Assessed Penalty (adjusted for limits) \$8,500

# Economic Benefit Worksheet

**Respondent** Bloomington Independent School District  
**Case ID No.** 47810  
**Reg. Ent. Reference No.** RN101274140  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Jul-2012	1-Aug-2014	2.00	\$1,001	n/a	\$1,001

## Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance and the final date is the expected date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

## Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,001



Screening Date 8-Oct-2013

Docket No. 2013-1909-MWD-E

PCW

Respondent Bloomington Independent School District

Policy Revision 3 (September 2011)

Case ID No. 47810

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101274140

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0014578001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the discharge monitoring reports ("DMRs") for the quarterly monitoring period ending June 30, 2012, and the monthly monitoring period ending July 31, 2012, by the 20th day of the following month, as documented during a record review conducted on August 23, 2013.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 2

445 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$850

This violation Final Assessed Penalty (adjusted for limits) \$850

# Economic Benefit Worksheet

**Respondent** Bloomington Independent School District  
**Case ID No.** 47810  
**Reg. Ent. Reference No.** RN101274140  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Jul-2012	1-Jun-2014	1.87	\$23	n/a	\$23
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Jul-2012	19-Dec-2013	1.42	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to prepare and submit the DMRs (\$25 per report) and update the Facility's operational guidance and conduct employee training to ensure that all reporting requirements are properly accomplished. Dates required are the date the first DMR was due. The final dates are the date the DMRs were submitted and the expected date that training will be completed.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

**TOTAL**

\$27

**Bloomington Independent School District  
Docket No. 2013-1909-MWD-E  
TPDES Permit No. WQ0014578001**

**Effluent Violation Table**

	<b>Biochemical Oxygen Demand (5-Day)</b>			<b>Total Suspended Solids</b>			<b>Flow</b>	<b>Total Residual Chlorine</b>
	Single Grab Conc.	Daily Ave. Loading	Daily Ave. Conc.	Single Grab Conc.	Daily Ave. Loading	Daily Ave. Conc.	Daily Ave.	Single Grab Min. Conc.
Month/ Year	Limit = 35 mg/L	Limit = 0.8 lbs/day	Limit = 20 mg/L	Limit = 60 mg/L	Limit = 0.8 lbs/day	Limit = 20 mg/L	Limit = 0.005 MGD	Limit = 1.0 mg/L
July 2012	c	c	c	c	1.05	c	c	c
August 2012	c	c	c	c	c	c	0.007	c
September 2012	c	c	c	c	c	c	0.006	c
October 2012	39	c	c	80	c	c	c	c
November 2012	c	c	c	78	c	c	c	c
December 2012	38	c	c	86	c	c	c	c
January 2013	47	c	c	123	c	27.7	c	c
February 2013	c	c	c	116	c	28	c	c
March 2013	49	9.8	c	108	c	27	c	0.92
April 2013	c	c	c	85	c	c	c	c
May 2013	c	c	22	c	c	25	c	c

c = compliant  
mg/L = milligrams per liter  
lbs/day = pounds per day

MGD = million gallons per day  
Conc. = concentration  
Min. = minimum

SU = standard unit  
Max. = maximum  
Ave. = average



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## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600702690, RN101274140, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600702690, Bloomington Independent School District **Classification:** SATISFACTORY **Rating:** 27.00

**Regulated Entity:** RN101274140, BLOOMINGTON JUNIOR HIGH-HIGH SCHOOL **Classification:** SATISFACTORY **Rating:** 27.00

**Complexity Points:** 4 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 150 FEET SOUTHEAST OF FARM-TO-MARKET ROAD 616, APPROXIMATELY 2.0 MILES SOUTHWEST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 616 AND UNITED STATES HIGHWAY 87 IN VICTORIA COUNTY, TEXAS

**TCEQ Region:** REGION 14 - CORPUS CHRISTI

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2350016 **WASTEWATER PERMIT** WQ0014578001

**WASTEWATER EPA ID** TX0127353

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** January 10, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 25, 2008 to November 25, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Jason Fraley

**Phone:** (512) 239-1000

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 11/03/2011 ADMINORDER 2011-0395-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov:Effl. Limit's & Monitor'g Req. No. 1 PERMIT  
Description: Failure to comply with permit effluent limits  
Classification: Major  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)  
30 TAC Chapter 319, SubChapter A 319.7(d)  
Rqmt Prov:Monitoring and Reporting Requiremts. No1 PERMIT  
Description: Failure to timely submit the DMRs

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	December 17, 2008	(733831)
Item 2	January 20, 2009	(733832)
Item 3	March 19, 2009	(756949)
Item 4	April 20, 2009	(756950)
Item 5	May 20, 2009	(773779)
Item 6	June 15, 2009	(773780)
Item 7	July 22, 2009	(931468)
Item 8	August 20, 2009	(931469)
Item 9	September 18, 2009	(931470)
Item 10	December 20, 2009	(931473)
Item 11	January 24, 2010	(931474)
Item 12	January 31, 2010	(931472)
Item 13	March 18, 2010	(931466)
Item 14	December 29, 2010	(931465)
Item 15	March 31, 2011	(911137)
Item 16	April 21, 2011	(918424)
Item 17	October 11, 2011	(967505)
Item 18	October 13, 2011	(973444)
Item 19	November 18, 2011	(979572)
Item 20	December 19, 2011	(986422)
Item 21	January 11, 2012	(992800)
Item 22	February 23, 2012	(1000143)
Item 23	April 25, 2012	(1012199)
Item 24	May 23, 2012	(1018595)
Item 25	June 22, 2012	(1026330)
Item 26	July 23, 2012	(1033655)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |  |                          |  |
|---|--|--------------------------|--|
| 1 | Date: 11/30/2012 (1083555)   | CN600702690              |  |
|   | Self Report? YES   | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                          |  |
| 2 | Date: 12/31/2012 (1083556)   | CN600702690              |  |
|   | Self Report? YES   | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                          |  |
| 3 | Date: 01/31/2013 (1108892)   | CN600702690              |  |
|   | Self Report? YES   | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                          |  |
| 4 | Date: 02/28/2013 (1108893)   | CN600702690              |  |
|   | Self Report? YES   | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                          |  |
| 5 | Date: 03/31/2013 (1112450)   | CN600702690              |  |
|   | Self Report? YES   | Classification: Moderate |  |

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

- 6 Date: 04/30/2013 (1119405) CN600702690  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 05/30/2013 (1098621) CN600702690  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
- 8 Date: 05/31/2013 (1119406) CN600702690  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 06/30/2013 (1119407) CN600702690  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BLOOMINGTON INDEPENDENT  
SCHOOL DISTRICT  
RN101274140**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2013-1909-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bloomington Independent School District (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 150 feet southeast of Farm-to-Market Road 616, approximately 2.0 miles southwest of the intersection of Farm-to-Market Road 616 and United States Highway 87 in Victoria County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 1, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Nine Thousand Three Hundred Fifty Dollars (\$9,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Four Hundred Eighty Dollars (\$7,480) of the administrative penalty and One Thousand Eight Hundred Seventy Dollars (\$1,870) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by December 19, 2013, the Respondent submitted the discharge monitoring reports ("DMRs") for the quarterly monitoring period ending June 30, 2012, and the monthly monitoring period ending July 31, 2012.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014578001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on August 23, 2013, and shown in the table below:

Effluent Violation Table								
	Biochemical Oxygen Demand (5-Day)			Total Suspended Solids			Flow	Total Residual Chlorine
	Single Grab Conc.	Daily Ave. Loading	Daily Ave. Conc.	Single Grab Conc.	Daily Ave. Loading	Daily Ave. Conc.	Daily Ave.	Single Grab Min. Conc.
Month/Year	Limit = 35 mg/L	Limit = 0.8 lbs/day	Limit = 20 mg/L	Limit = 60 mg/L	Limit = 0.8 lbs/day	Limit = 20 mg/L	Limit = 0.005 MGD	Limit = 1.0 mg/L
July 2012	c	c	c	c	1.05	c	c	c
August 2012	c	c	c	c	c	c	0.007	c
September 2012	c	c	c	c	c	c	0.006	c
October 2012	39	c	c	80	c	c	c	c
November 2012	c	c	c	78	c	c	c	c
December 2012	38	c	c	86	c	c	c	c
January 2013	47	c	c	123	c	27.7	c	c
February 2013	c	c	c	116	c	28	c	c
March 2013	49	9.8	c	108	c	27	c	0.92
April 2013	c	c	c	85	c	c	c	c
May 2013	c	c	22	c	c	25	c	c

c = compliant  
mg/L = milligrams per liter  
lbs/day = pounds per day

MGD = million gallons per day  
Conc. = concentration  
Min. = minimum

SU = standard unit  
Max. = maximum  
Ave. = average

- Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0014578001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on August 23, 2013. Specifically, the Respondent failed to submit the DMRs for the quarterly monitoring period ending June 30, 2012, and the monthly monitoring period ending July 31, 2012, by the 20th day of the following month.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bloomington Independent School District, Docket No. 2013-1909-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly and quarterly DMRs, in accordance with TPDES Permit No. WQ0014578001, Monitoring and Reporting Requirements No. 1;
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a., in accordance with Ordering Provision No. 2.d. below;
  - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014578001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision No. 2.d. below; and
  - d. The certifications required by Ordering Provision Nos. 2.b. and 2.c. shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the

information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be

copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pamela Davis J  
For the Executive Director

5/16/14  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Delores Warnell  
Signature

Jan 30, 2014  
Date

Delores Warnell  
Name (Printed or typed)  
Authorized Representative of  
Bloomington Independent School District

Superintendent  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.